

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant	:	Miller et al.	)	Examiner:
			)	Sarae Bausch
Serial No.	:	10/541,044	)	
			)	Art Unit:
Cnfrm. No.	:	1984	)	1634
			)	
Filed	:	January 1, 2004	)	
			)	
For	:	HYBRIDIZATION-BASED BIOSENSOR	)	
		CONTAINING HAIRPIN PROBES AND USE	)	
		THEREOF	)	
			)	

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

**Mail Stop: Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Petitioner, University of Rochester, is the owner of 100 percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 7,442,510. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full

statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The assignee of the entire right, title and interest of the above-identified application, hereby confirms that an assignment for the subject application was recorded as follows in the U.S. Patent and Trademark Office: on July 24, 2006, at Reel 018122/Frame 0001 to University of Rochester.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned attorney is empowered to act on behalf of the organization.

Please charge the \$70 terminal disclaimer fee under 37 CFR § 1.20(d) to Deposit Account No. 14-1138. Any additional fees or any overpayment can be charged/credited to Deposit Account No. 14-1138.

If any additional information is required for acceptance of this Terminal Disclaimer, then the undersigned attorney respectfully requests that the official responsible for acting on the above-identified petition contact the undersigned attorney to correct any deficiency prior to denial or dismissal.

Respectfully submitted,

Date: November 23, 2009

/Edwin V. Merkel/  
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